



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,184	10/20/2003	Felix L. Sorkin	1101-169	6670

7590

11/21/2006

John S. Egbert
Harrison & Egbert
412 Main Street, 7th Floor
Houston, TX 77002

EXAMINER

DREIDAME, HUNTER M

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,184	Applicant(s) SORKIN, FELIX L.	
	Examiner Hunter M. Dreidame	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 - 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 - 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01/30/2004</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Marked Figure</u> . |

DETAILED ACTION

In view of applicant's amendment received October 11, 2006, corrections to the specification have been approved. Applicant's Remarks have been carefully considered but are not deemed persuasive to overcome the rejections of the previous office action. Therefore, the rejection of pending claims 21-37 has been reiterated in this final office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 22, 25 – 32, and 34 – 37 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,791,095 to Sorkin.

Claim 21:

Sorkin discloses a chair comprising a receiving area (12); and a plurality of legs extending downwardly from said receiving area (14), each of said plurality of legs comprising a first portion extending at an angle outwardly from said receiving area (see attached Fig. 1); and a second portion extending at an end of said first position opposite said receiving area, said second portion extending vertically downwardly or inwardly from said end of said first portion (see attached Fig. 1), said second portion having a flat

Art Unit: 3635

bottom surface opposite said end of said first portion (32); and a pin member extending vertically downwardly from said flat bottom surface (36).

Claim 22:

The chair of Claim 21, said first portion having a length greater than a length of said second portion (see attached Fig. 1).

Claim 25:

The chair of Claim 21, said pin member being a single pin member of inverted conical shape (26).

Claim 26:

The chair of Claim 21, said pin member having a point formed at an end thereof opposite said flat bottom surface (42).

Claim 27:

The chair of Claim 21, each of said plurality of legs being separated from and unconnected to an adjacent leg other than at said receiving area (Fig. 1).

Claim 28:

The chair of Claim 21, said receiving area having a horizontal area (64) and a generally parabolic section (see attached Fig. 1) extending transverse to said horizontal area (Fig. 5).

Claim 29:

The chair of Claim 21, a first of said plurality of legs extending downwardly from one end of said horizontal section (Fig. 6), a second of said plurality of legs extending downwardly from an opposite end of said horizontal section (Fig. 6), a third of said

plurality of legs extending downwardly from one end of said generally parabolic section (Fig. 6), a fourth of said plurality of legs extending downwardly from an opposite side of said generally parabolic section (Fig. 6).

Claim 30:

The chair of Claim 21, said receiving area and said plurality of legs being integrally formed together of a nylon material (col 6, lines 21 – 24).

Claim 31:

Sorkin discloses a chair comprising a receiving area (12); and a plurality of legs extending downwardly from said receiving area (Fig. 6), each of said plurality of legs comprising a first portion extending at an angle outwardly from said receiving area (see attached Fig. 1); a second portion extending from an end of said first opposite said receiving area (see attached Fig. 1), said first portion having a length greater than a length of said second portion (see attached Fig. 1), said second portion extending at an angle that is different than said angle that said first portion extends from said receiving area (see attached Fig. 1), said second portion having a flat bottom surface opposite said end of said first portion (32); and a pin member extending vertically downwardly from said flat bottom surface (36).

Claim 32:

The chair of Claim 31, said second portion extending vertically downwardly or inwardly from said end of said second portion (see attached Fig. 1).

Claim 34:

Art Unit: 3635

The chair of Claim 31, each of said plurality of legs being separated from and unconnected to an adjacent leg other than at said receiving area (Fig. 6).

Claim 35:

Sorkin discloses a chair comprising a receiving area (12); and a plurality of legs extending downwardly from said receiving area (14), each of said plurality of legs comprising a first portion extending at an angle outwardly from said receiving area (see attached Fig. 1); a second portion extending at an angle outwardly from said first portion opposite said receiving area, said second portion having a flat bottom surface opposite said end of said first portion (see attached Fig. 1); and a single pin member extending vertically downwardly from said flat bottom surface, said pin member being of an inverted conical shape and having a point formed at an end thereof opposite said flat bottom surface (36).

Claim 36:

The chair of Claim 35, said second portion extending vertically downwardly or inwardly from said end of said first portion (see attached Fig. 1), said first portion having a length great than a length of said second portion (see attached Fig. 1).

Claim 37:

The chair of Claim 35, each of said plurality of legs being separated from and unconnected to an adjacent leg other than at said receiving area (Fig. 6).

Claim Rejections - 35 USC § 103

Art Unit: 3635

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23, 24, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,791,095 to Sorkin.

Claim 23:

Sorkin discloses the chair of Claim 21. Sorkin does not disclose a chair where said first portion has an inner side and an outer side, said inner side extending at a greater angle with respect to vertical than an angle that said outer side extends with respect to vertical. However, it would have been an obvious design choice to one of ordinary skill in the art at the time the invention was made to have designed the first portion using whatever angles were desired.

Claim 24:

In view of the arguments given above, Sorkin discloses the chair of Claim 23. Sorkin does not disclose a chair where the second portion has an inner side and an outer side, said inner and outer sides tapering toward each other away from said end of said first portion. However, it would have been an obvious design choice to one of ordinary skill in the art at the time the invention was made to have designed the second portion using whatever angles were desired.

Claim 33:

Art Unit: 3635

Sorkin discloses the chair of Claim 31. Sorkin does not disclose a chair where said first portion has an inner side and an outer side, said inner side extending at a greater angle with respect to vertical than an angle that said outer side extends with respect to vertical, said second portion having an inner side and outer side, said inner and outer sides of said second portion tapering toward each other away from said end of said first portion. However, it would have been an obvious design choice to one of ordinary skill in the art at the time the invention was made to have designed the first and second portions using whatever angles were desired.

Response to Arguments

Regarding new independent Claims 21, 31, and 35, the applicant states the new claims have been introduced to emphasize the "pin member extending downwardly from the flat bottom surface of the leg of the chair." The applicant further recited the importance of the pin member as given within the Specification. The Specification cannot be used to further limit the language of the claim.

Applicant's arguments with respect to claims 1 - 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3635

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter M. Dreidame whose telephone number is (571)272-5177. The examiner can normally be reached on Monday - Friday 8am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571)272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HD



JEANETTE E. CHAPMAN
PRIMARY EXAMINER
~~GROUP 3400~~

